

MEMORANDUM

Substitute
Agenda Item No. 6(A)

TO: Hon. Chairperson and Members
Board of County Commissioners

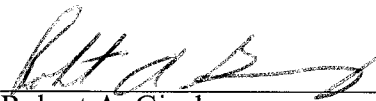
(Second Reading 9-9-03)
DATE: June 17, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance establishing the
Office of Countywide
Healthcare Planning

The accompanying ordinance was prepared and placed on the agenda at the request of Chairperson Dr. Barbara Carey-Shuler.

This substitute differs from the original proposal in that it has a revised Fiscal Impact Statement.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Ordinance establishing the
Miami-Dade County Department
of Countywide Healthcare
Planning and Delivery

This proposed ordinance creates the Department of Countywide Healthcare Planning and Delivery. It will have a fiscal impact as currently countywide healthcare planning is a responsibility of the Public Health Trust.

The Executive Director of the Health Policy Authority has indicated that implementing the ordinance will require a staff of nine positions, an increase of six positions. The total cost would be approximately \$600,000 per year, of which, \$300,000 is included in the Public Health Trust budget. The cover report to the budget ordinance at first reading on September 3, 2003, recommended an allocation of \$300,000, from the countywide budget to fund the organization fully. The Executive Director is reviewing options for reducing or the phasing-in of staff that would reduce the first year's budget. An update in this regard will be included with the information for the second budget hearing.



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Substitute
Agenda Item No. 6(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 6(A)
9-9-03

ORDINANCE NO. _____

ORDINANCE ESTABLISHING THE OFFICE OF COUNTYWIDE HEALTHCARE PLANNING; AMENDING CHAPTER 25A OF THE CODE TO REDUCE VOTING MEMBERSHIP, TO PROVIDE RIGHT TO VOTE TO A COMMISSIONER, TO CHANGE COMPOSITION OF NOMINATING COUNCIL, TO CHANGE TENURE PROVISION, TO RENAME COMPENSATION COMMITTEE AND PROVIDE ADDITIONAL DUTY THERETO, TO REMOVE TRUST'S COUNTYWIDE PLANNING AND DELIVERY FUNCTIONS, TO CREATE TRUST/UNIVERSITY OF MIAMI ANNUAL OPERATING AGREEMENT NEGOTIATING COMMITTEE, TRUST/MIAMI-DADE COUNTY ANNUAL OPERATING AGREEMENT COMMITTEE AND PUBLIC HEALTH TRUST OFFICE OF INTERNAL AUDITOR, PUBLIC ACCOUNTABILITY AND INFORMATION, TO REQUIRE TRUST REGULAR MEETINGS IN COMMISSION CHAMBERS, TO REQUIRE ANNUAL TELEVISED SPECIAL MEETING REGARDING TRUST AUDIT; AND ABOLISHING THE HEALTH POLICY AUTHORITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, pursuant to the Home Rule Charter, this Board is empowered to “provide hospitals and uniform health and welfare programs” for the citizens of Miami-Dade County; and

WHEREAS, many of the powers associated therewith, including countywide healthcare planning and delivery, have been delegated to the Public Health Trust; and

WHEREAS, this Board recognizes the need for the elected leadership of this County to develop true partnerships with professional healthcare providers and to grant the Board greater participation which may increase the level of involvement in the development of policies regarding countywide healthcare issues that affect the residential population of Miami-Dade County; and

WHEREAS, to assist the Board in affecting greater transparency, accountability, fiscal responsibility, and service efficiency, this Board desires to create a new County Office of Countywide Healthcare Planning and to remove responsibility for countywide healthcare planning from the powers previously delegated to the Public Health Trust,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The above recitation of legislative intent and findings are fully incorporated herein as part of this Ordinance.

Section 2. There is hereby created an Office of Countywide Healthcare Planning.

Section 3. Office of Countywide Healthcare Planning.

(a) Office Established; Director, Appointment; Term; Operating Procedures.

An Office of Countywide Healthcare Planning is established. The head of the Office shall be a director appointed by the County Manager and shall serve at the County Manager's will. The organization and operating procedures of the Office shall be prescribed in administrative orders and regulations of the County Manager and approved by the Board of County Commissioners. The director shall appoint such employees and other personnel as may be necessary to operate the Office. The salaries and compensation in the classified service shall be included in the County's pay plan approved by the Board of County Commissioners.

(b) Duties and responsibilities.

The duties and responsibilities of the Office shall be to provide the proper framework for delivery of countywide healthcare services by:

- (1) Planning and coordinating the delivery of countywide healthcare services for the citizens of Miami-Dade County and, implementing programs

that improve access to healthcare for all residents of Miami-Dade County.

- (2) Cooperating and fostering productive relationships among the private and public healthcare providers and healthcare consumers and other affected communities to generate mutually beneficial agreements between and among the providers that enhance the accessibility, efficiency and quality of healthcare delivery and programs affecting all residents of Miami-Dade County, especially the indigent and medically indigent populations. These groups shall be organized in a manner established by the Office of Countywide Healthcare Planning and authorized by the Board of County Commissioners.
- (3) Administering and complying with all countywide policies, initiatives and programs for healthcare approved or established by the Board of County Commissioners, including any healthcare plans for the uninsured, uniform health programs, alternative healthcare delivery systems, programs for the County to maximize federal reimbursements or matching funds, public/private healthcare partnerships, systems for utilizing excess hospital bed capacity throughout the County, and standards for the provision of charity care.
- (4) Making a continuous study and review of all existing County institutions, facilities, services and programs dealing with healthcare or affecting it, for and in consideration of the future needs of Miami-Dade County; and making studies or causing studies to be made of the problems of the uninsured and underinsured, and formulating and recommending plans and programs for the coordination of the activities of all governmental entities and non-governmental agencies dealing with these problems.
- (5) Systematically, reducing the number of uninsured children in Miami-Dade County, Florida, through creative and innovative outreach programs aimed at increasing enrollment in programs designed especially for children.

- (6) Promoting innovation in healthcare by securing grants and contract funding from entities such as, but not limited to, private foundations and federal agencies.

(c) The County Manager shall annually develop and recommend to the Board of County Commissioners for its approval policies for the planning and delivery of countywide healthcare, including primary, secondary and tertiary care. Further, the County Manager shall develop and recommend to the Board of County Commissioners for its approval long-range five-year plans (and revisions and supplements thereto) for the delivery of countywide healthcare services. The County Manager's annual and long-range plans shall address and include, among other things, recommendations for maximizing revenues, specifically through federal matching fund mechanisms, and for providing for coverage of uninsured children in Miami-Dade County.

Section 4. Chapter 25A of the Code is amended to read as follows:¹

Chapter 25A. Public Health Trust.

* * *

Sec. 25A-3. Governing body.

(a) *Composition.* The governing body of the Trust shall be a Board of Trustees composed of twenty-one (21) voting members none of whom shall be employees of the Trust. The voting membership shall include a member of the University of Miami Board of Trustees. The remaining voting membership >>, except for the Voting Commissioner as such term is hereafter defined,<< shall be selected in accordance with Section 25A-3(d).>>In 2003, the voting membership of the Board of Trustees shall be reduced from twenty (21) voting members to eighteen (18) voting members. During the annual appointment process for 2003 only that number of recommended appointments that will result in a total of eighteen (18) voting members shall be recommended by the Public Health Trust Nominating Council and approved by the Board of County Commissioners.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are not in effect and remain unchanged.

In 2004, the voting membership of the Board of Trustees shall be reduced from eighteen (18) voting members to fifteen (15) voting members. During the annual appointment process for 2004, only that number of appointments that will result in a total of fifteen (15) voting members shall be recommended by Public Health Trust Nominating Council and approved by the Board of County Commissioners. Commencing September 1, 2004, the Chairperson of the Commission shall be empowered to appoint a member of the Economic Development and Human Services Committee of the Board of County Commissioners as an ex officio member of the Board of Trustees with the right to vote (the "Voting Commissioner"), resulting in a total voting membership of sixteen (16), consisting of fifteen (15) voting Trustees and the Voting Commissioner.<<

Additionally, the following shall be non-voting, ex officio members of the Board of Trustees: Three (3) County Commissioners >>, one of<< who >>m << shall be appointed by the Mayor, >>one shall be appointed by the Chairperson of the Board of County Commissioners and the third shall be the Chairperson of the Economic Development and Human Services Committee of the Commission<< hereinafter referred to as "Commissioner Trustees" >>, provided that on September 1, 2004, the Chairperson of the Board of County Commissioners and the Mayor will become non-voting ex officio members and the ex officio category of Commissioner Trustees shall cease<<; the County Manager or his or her designee; the Chief Executive Officer of the Trust; the Senior Vice President of Medical Affairs; Dean, University of Miami School of Medicine; the Senior Vice President of Patient Care Services; Dean, University of Miami School of Nursing; and the President of the Public Health Trust Medical Staff.

* * *

d) *Appointment and removal of Trustees.* Voting Trustees shall be appointed by resolution of the Board of County Commissioners after having been selected by the Commission from persons nominated by a Nominating Council established and described herein. The Nominating Council, hereinafter known as the Public Health Trust Nominating Council, shall be comprised of >>the following<< five (5) voting members [[;]] >>: the Chairperson of the Economic Development and Human Services Committee, or a Commissioner of that committee designated by the committee Chairperson; the Chairperson of the Public Health Trust; the Chairperson of the Board of County Commissioners or a Commissioner designated by the Chairperson; the Mayor or a Commissioner designated by the Mayor; and the Chairperson of the Miami-Dade Legislative Delegation or another member of the delegation appointed by Chairperson of the Miami-Dade Legislative Delegation<< [[who shall be appointed by the Mayor and ratified by the Commission. There shall also be two (2)

~~non-voting, ex officio members, a Commissioner Trustee and the Chair of the Trust]]. The Chair >>person<< of the Trust shall not serve on the Nominating Council when being considered for reappointment and shall appoint a Trustee to replace him or her. [[No acting Trustee of the Public Health Trust, other than as provided herein shall serve on the Nominating Council, nor shall any acting member of the Nominating Council, be eligible to serve on the Board of Trustees. The voting members of the Nominating Council selected by the Mayor and ratified by the Commission shall be appointed for staggered three year terms and shall not serve more than three (3) consecutive terms.]]~~ The County Manager and the County Attorney shall provide appropriate staff support to the Council.

* * *

~~[[As applicable, Section 2-11.36-40 of the Code of Miami Dade County shall govern the establishment and activities of the Public Health Trust Nominating Council.]]~~

* * *

(e) Tenure of Trustees. The voting Trustees shall serve staggered terms of three (3) years each. No voting Trustee shall be permitted to serve more than three (3) consecutive and complete terms of three (3) years each~~[[,]]>>~~. Subsequent to September 1, 2003, no voting Trustee shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each, provided however, that this six-year term limitation shall not apply to incumbent voting Trustees appointed prior to September 1, 2003.<< [[unless]] [[t]]>>T<<he Board of County Commissioners, by a two-thirds (2/3) vote of its members, then in office, >>may<< waive[[s]] this >>term limitation<< requirement.>>The term of the Voting Commissioner shall be coterminous with the term of the appointing Commission Chairperson and until the successor Commission Chairperson replaces the Voting Commissioner.<<

(f) Organization, powers and duties of the Board of Trustees.

* * *

The Board of Trustees shall hold regular meetings in accordance with the bylaws of the Trust and the Board may hold such other meetings as it deems necessary. >>The Trust shall hold and televise regular meetings of the Board of Trustees in Commission chambers. Such regular meetings shall not conflict with the meeting schedule for the Board of County Commissioners or its committees.<< At the discretion of the Trust, >>other<< meetings may be held and televised in the Commission chambers. Except as provided by law, all meetings of the Board shall be

public and audio recorded and written minutes of the proceedings thereof shall be maintained by the ~~[[Board]]~~ >>Office of Internal Audit, as such term is hereafter defined<<. All actions taken at the meetings of the Board shall be promptly and properly recorded. Copies of all minutes and resolutions of the Board shall be forwarded to the Clerk of the Board of County Commissioners no later than ten (10) days subsequent to any meeting of the Board of Trustees.

* * *

The Board of Trustees shall make, adopt and amend bylaws and rules and regulations for the Board's governance and for the operation, governance, and maintenance of designated facilities. Such bylaws and amendments thereto shall not be valid until approved by the Board of County Commissioners and shall not, without approval of the Commission, be inconsistent with ordinances of the County. The Board of Trustees shall be empowered to appoint a Chief Executive Officer of the Trust and to remove such an appointee. There shall be a special Trust Compensation >>and Evaluation<< Committee which shall consist of seven (7) voting members including >>the Chairperson of the Public Health Trust, three (3)<< ~~[[five (5)]]~~ Trustees appointed by the Chair >>person<< of the Public Health Trust, the Mayor or a Commissioner designated by the Mayor and >>the Chairperson of the Board of County Commissioners and a Commissioner designated by the Chairperson, or, alternatively, in the discretion of the Commission Chairperson, two (2) Commissioners designated by the Chairperson of the Board of County Commissioners.<<~~[[a Commissioner appointed by the Mayor.]]~~ The special Compensation >>and Evaluation<< Committee shall make recommendations to the Trust through the Trust Executive Committee regarding compensation for the Trust >>Chief Executive Officer<< ~~[[CEO]].~~>>The Board of Trustees shall annually evaluate the performance of the Trust Chief Executive Officer and refer such evaluation to the special Trust Compensation and Evaluation Committee for the compensation recommendation it deems appropriate, based on the Board's performance evaluation of the Trust Chief Executive Officer.

There shall be a Trust/University of Miami Annual Operating Agreement Negotiating Committee (the "Trust/U.M. Committee"). The Trust Chief Executive Officer and Chairperson shall have responsibility to negotiate the Annual Operating Agreement with the University of Miami and shall submit their recommendations regarding the Annual Operating Agreement to the Trust/U.M. Committee for its review and approval. The Trust/U.M. Committee shall make recommendations regarding the Annual Operating Agreement to the Board of Trustees. The Trust/U.M. Committee shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, the Chief Executive Officer of the Public Health Trust,

three (3) Trustees appointed by the Chairperson of the Public Health Trust, the Mayor, and the Chairperson of the Board of County Commissioners.<<

* * *

Section 25A-4. Powers and duties of the Trust.

* * *

(b) Health care delivery policies.

(1) Planning for designated facilities. The Trust shall annually develop and recommend to the County Commission policies for the admission of hospital patients, the determination of the indigent status of patients and health care delivery in the designated facilities of the Trust, including primary, secondary and tertiary health care. The Trust shall also develop and recommend to the County Commission long range plans in five-year intervals for the delivery of health care services in designated facilities of the Trust.

(2) Countywide planning. >>The Trust shall have no responsibility for countywide healthcare planning and such planning shall be the responsibility and within the jurisdiction of the Miami-Dade County Office of Countywide Healthcare Planning, provided however that the operation, maintenance and governance of and planning for the Trust designated facilities wherever situated within Miami-Dade County shall be and remain the sole responsibility of the Trust, subject to the Board of County Commissioners' power to designate additional facilities or to declassify and remove from the jurisdiction of the Trust facilities which have previously been designated.<<[[The Trust shall submit recommendations to the County Commission for annual and long range, five-year plans for the delivery of countywide health care services in accordance with the requirements set forth in Ordinance No. 95-71, creating the Miami Dade County Health Policy Authority.]]

(3) Submittal of planning recommendations >>for designated facilities<<. The Trust shall formally present its annual recommendations for health care delivery in its designated facilities ~~[[and its annual countywide planning recommendations]]~~ at an annual, joint meeting to be called by the Chairperson of the Board of County Commissioners and to be held between the Commission and the Trust no later than July 1st of each year. ~~[[The Trust shall submit the designated facility five-year plan to the County Commission at the time it submits the County five-year plan under Article XLVI of the Code, creating the Miami Dade County Health Policy Authority.]]~~

(4) *Compliance.* The Trust shall comply with the health care policies established by the Board of County Commissioners~~[[;]]>>_<< [[including any responsibilities delineated to the Trust under Ordinance No. 95-71, creating the Miami-Dade County Health Policy Authority.]]~~ When the Commission establishes or changes policies relating to hospital admissions~~[[;]]~~ >>or<< medical indigency ~~[[or countywide health care delivery]]~~, it shall >>in order to avoid the promulgation of unfunded mandates, through the County Manager and Chief Executive Officer of the Trust,<< identify >>in consultation with the Trust, an appropriate<< ~~[[a]]~~ source ~~[[from which]]~~ >>of<< funding necessary to carry out such policies ~~[[shall be obtained]]~~.

* * *

(i) *Intergovernmental cooperation.* The Trust shall have the authority to cooperate with and contract with any government agency or instrumentality, federal, state, county, or municipal. The operating relationship between the Trust and Miami-Dade County shall be set forth in an annual agreement the purpose of which shall be to implement applicable provisions of this chapter. ~~[[If the Trust and Miami-Dade County have not executed an annual operating agreement sixty (60) days prior to September 1st of the forthcoming fiscal year, t]]>>T<<he Chief Executive Officer of the Trust and the County Manager shall meet for the purpose of ~~[[executing]]~~ >>negotiating<< an annual operating agreement. >>Such negotiating shall take place prior to September 1 of each year so that the Board of Trustees and Board of County Commissioners may approve the agreement in September of the applicable year.<< ~~[[In the event an agreement is not reached, the Chief Executive Officer of the Trust and the County Manager shall present unresolved issues to the Board of County Commissioners for approval or disapproval.]]~~ >>There shall be a Trust/Miami-Dade County Annual Operating Agreement Committee (the "Trust/County Committee"). The Trust's Chief Executive Officer shall submit his recommendations regarding the Annual Operating Agreement between the Trust and the County to the Trust/County Committee for its review and approval. The Trust/County Committee shall make recommendations regarding the Annual Operating Agreement to the Board of Trustees. The Trust/County Committee shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, the Chief Executive Officer of the Public Health Trust, three (3) Trustees appointed by the Chairperson of the Public Health Trust, the Mayor, and the Chairperson of the Board of County Commissioners. The County Manager shall simultaneously submit the agreement to the Commission for its approval.<<~~

* * *

>>(m) Office of Internal Auditor, Public Accountability and Information. The Trust shall create an Office of Internal Auditor, Public Accountability and Information ("Office of Internal Audit"). The purpose of the Office of Internal Audit shall be to (i) provide internal auditing functions, (ii) act as the central depository for public information relating to public record requests, (iii) review and account for any and all relationships between the Public Health Trust and private entities, and (iv) interface and coordinate with and serve as the Trust's liaison to the Miami-Dade County Office of Inspector General. The Office of Internal Audit shall report directly to the Chairperson of the Trust. This Office through the Chief Executive Officer shall make monthly written reports to the Board of Trustees at its regular meetings. The written reports shall also be disseminated to the Mayor, Board of County Commissioners, County Manager, the Office of Countywide Healthcare Planning, the Commission Auditor, and Miami-Dade Office of Inspector General. The Chief Executive Officer of the Trust shall develop written policies and procedures for the organization and operation of the Office of Internal Audit and submit the same to the Board of Trustees for approval. Upon the Trust's creation of the Office of Internal Audit, the Trust shall do all things necessary or required to effectuate and merge all existing internal auditing functions into this Office and to provide sufficient funding and staffing.<<

* * *

Section 25A-5. Financial Support for the Public Health Trust.

* * *

(c) *General Financial Provisions.*

* * *

Upon request, the Trust shall within thirty (30) days submit to the Board of County Commissioners a full financial report, including but not limited to, operating statistics such as admissions, occupancy rate, revenue and expenses, and a narrative outlining the achievements and problems, if any, of the Trust during the preceding quarter. >>On a quarterly basis, the Trust through its Chief Financial Officer or designee shall collect and provide to the Board of County Commissioners for its analysis and approval specific patient and health service data elements including, but not limited to, data regarding (i) number of patients served, (ii) patient demographics and patient origin/ zip code information, (iii) patient diagnosis, (iv) services rendered, (v) patient charges by service category,

(vi) lengths of stay and patient visits, (vii) payment source, (viii) site of service and (ix) such other data elements requested by the Commission or agreed upon by the Trust and the Office of Countywide Healthcare Planning.

Prior to March 31st of each year, the Trust shall submit to the Board of County Commissioners via a special meeting of the Board of County Commissioners in chambers a report to the Board of County Commissioners and the public that reflects the results of its annual audit for the prior fiscal year performed by the Trust's external auditor. At least seven (7) days prior to the special meeting, the Trust shall hand deliver copies of the audit by the Trust's external auditor to the Mayor, Chairperson and members of the Board of County Commissioners, the County Manager, Office of Countywide Healthcare Planning and Office of Inspector General.<<

The Internal Auditor of Miami-Dade County shall at all times have the right to audit all records of the Trust, and the external auditor of the County, at the direction of the Board of County Commissioners, shall be empowered to audit all records of the Trust.

* * *

Section 5. The Dade County Health Policy Authority created pursuant to Ordinance No. 95-71 and as codified in Article XLVI (§§ 2-431 - 2-436) of the Code of Miami-Dade County is hereby abolished.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," article," or other appropriate word.

Section 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 9. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

RAG

Prepared by:

ES/RAG

Eugene Shy, Jr.

Sponsored by Chairperson Dr. Barbara Carey-Shuler